

Application No. 09/870114
Page 9

Amendment
Attorney Docket No. P68.2B-9957-US01

REMARKS

This Amendment is in response to the Office Action dated August 26, 2003. In the Office Action, claims 15-21, 27 and 31-33 are allowed. Claims 7-14, 26, 28-30 have been found to contain allowable subject matter. Claims 1-14, 26 and 28-30 are rejected under 35 USC 112, first and second paragraphs. Claims 1-6 are rejected under 35 USC 103(a) as being unpatentable over Menendez et al in view of Canadian No. 2,178,776 and Kaneko et al. Claims 22-25 are rejected under 35 USC 103(a) as being unpatentable over Canadian No. 2,178,776.

In the Background section of the disclosure, the Applicant has made an amendment at page 3, line 22 by inserting the word "not" after the word "is." This amendment corrects a typographical error in the application as filed, and makes the first sentence of the paragraph consistent with the remainder.

Also in the disclosure, the word "piercer" at page 5 line 8, has been replaced by the word "stripper." This amendment is a correction of a typographical error, and is supported at page 5 line 3 and page 12 line 29 to page 13 line 10 of the application as filed.

In claim 1, the term "lateral piercer" has been replaced by "lateral stripper." This amendment is supported at page 5, line 3 and page 12, line 29 to page 13, line 10 of the description.

Also, in claim 1, wording has been added stating that the stripping assembly is movable "along the cathode support frame to a position adjacent to each cathode supported in the cathode support frame." This amendment is supported at page 9, lines 18-22 of the application as filed.

Also, in claims 22-24, amendments have been made to specify that the device includes a "cathode cleaning brush." This amendment is supported at page 13, lines 20-30 of the application as filed.

35 USC 112

In the first five paragraphs of the Office Action, the Examiner has objected on various grounds to the use of the term "lateral piercer" in claim 1. According to the Examiner, the disclosure is enabling for a "lateral stripper" but not a "lateral piercer."

Application No. 09/870114
Page 10

Amendment
Attorney Docket No. P68.2B-9957-US01

Claim 1 has now been amended to replace the term "lateral piercer" with "lateral stripper." It is respectfully submitted that this overcomes the Examiner's rejections under 35 USC 112.

35 USC 103

The Examiner has also rejected claims 1-6 under 35 USC 103(a) as being unpatentable over Menendez et al. (US 5,269,897) in view of Canadian patent no. 2,178,176 ("Falconbridge") and Kaneko et al (US 4,131,531).

According to the Examiner, Menendez et al. shows a cathode support frame stripping assembly which is movable relative to the cathode support frame and which has a lateral piercer that is the functional equivalent of the lateral stripper in the current application. According to the Examiner, the piercer is adapted to bias away from the cathode being stripped of a zinc sheet. The Examiner also states that Menendez et al. includes a scraper device shown at Figures 12-14.

As the Examiner notes, Menendez et al. shows neither a movable base frame, nor a power source supplied to the base frame.

According to the Examiner, Falconbridge shows a device for stripping zinc deposits from the cathode in which the device is movable along a floor and has a stripper that is movable across cathode deposits. According to the Examiner, Falconbridge also shows a movable base including wheels which support the base on the floor and are hydraulically powered.

According to the Examiner, Kaneko et al. describes a stripping assembly which is laterally operable and has a movable base for moving the device along the floor. The Applicant notes, in addition, that the device of Kaneko et al. has a separate stripper head for each cathode. In other words, when the cathodes are stripped of their zinc sheets, each cathode is stripped by a separate stripper head.

Amended claim 1 reads:

1. A device for stripping zinc sheets from cathodes, the device comprising:
a moveable base frame for moving the device along a floor;
a cathode support frame, coupled to the moveable base frame, the cathode support

Application No. 09/870114
Page 11

Amendment
Attorney Docket No. P68.2B-9957-US01

frame being sized, shaped and positioned to support the cathodes during stripping;

a stripping assembly for stripping the zinc sheets from the cathodes, the stripping assembly being movably coupled to the base frame and being moveable along the cathode support frame to a position adjacent to each cathode supported in the cathode support frame to permit the stripping assembly to strip each cathode supported in the cathode support frame;

at least one power source coupled to the base frame and operatively connected to the stripping assembly;

the stripping assembly including a lateral stripper, movable across the cathodes in the cathode support frame, for separating an upper edge of a zinc sheet from each of the cathodes, the lateral stripper being adapted to bias away from the cathode immediately upon entering between the zinc sheet and the cathode, and a scraping device, movable in a direction generally perpendicular to a direction of the lateral stripper, for completing removal of the sheet from each said cathode.

First, the Applicant respectfully submits that amended claim 1 is patentable over Menendez et al. in light of Kaneko et al. Amended claim 1 requires that the stripping assembly (which comprises a lateral stripper and a scraping device) be movable "along the cathode support frame to a position adjacent to each cathode supported in the cathode support frame." In Menendez et al., there is no stripping assembly that is movable along the cathode support frame to a position adjacent to each cathode. In Kaneko et al., each cathode has its own stripper that is positioned adjacent that particular cathode. Thus, there is no stripping assembly that is movable along the cathode support frame to a position adjacent to each cathode.

Therefore, this feature in amended claim 1 is disclosed neither in Menendez et al., nor Kaneko et al. For this reason, it is respectfully submitted that amended claim 1, and claims 2-6 depending therefrom, are patentable over Menendez et al. in view of Kaneko.

Furthermore, it is respectfully submitted that amended claim 1 is patentable over Menendez et al. in view of Falconbridge.

As explained above, the applicant has amended claim 1. Amended claim 1 requires that the stripping assembly is movable "along the cathode support frame to a position adjacent to each cathode supported in the cathode support frame." Furthermore, the stripping

Application No. 09/870114
Page 12

Amendment
Attorney Docket No. P68.2B-9957-US01

assembly of amended claim 1 includes both a lateral stripper movable across the cathodes, and a scraping device movable in a direction generally perpendicular to the direction of the lateral stripper.

The Applicant notes that neither Menendez et al., nor Falconbridge, nor any combination of Menendez et al. and Falconbridge results in the device of amended claim 1. In addition, it is respectfully submitted that the prior art actually teaches away from combining Menendez et al. and Falconbridge in the context of amended claim 1. The Applicant notes that Menendez et al. was issued in 1993, while the application for Falconbridge was not filed until 1996. Falconbridge did not issue to patent until 2001. Nevertheless, Falconbridge specifically teaches the use of a stripping assembly consisting of a single arm with a stripper blade that moves in an arc, with the blade traveling between the cathode and the zinc sheets to strip the zinc sheets from the cathodes. There is no suggestion in Menendez, Falconbridge, or any other reference cited by the Examiner of the desirability of a stripping assembly comprising both a lateral stripper and a scraping device, which is movable along the cathode support frame to a position adjacent to each cathode to permit stripping of each cathode. For this reason, it is respectfully submitted that amended claim 1 is patentable over Menendez et al. in view of Falconbridge, as are claims 2-6 which depend from amended claim 1.

The Examiner has also rejected claims 22-25 as being unpatentable over Falconbridge.

Claims 22-24 have been amended to specify that the device includes at least one "cathode cleaning brush". Falconbridge neither discloses nor reasonably suggests the use of a cathode cleaning brush movably coupled to the base frame and movable along each cathode. Therefore, it is respectfully submitted that claims 22-25 as amended are patentable over Falconbridge.

Application No. 09/870114
Page 13

Amendment
Attorney Docket No. P68.2B-9957-US01

CONCLUSION

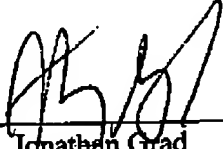
The instant application is believed to be in condition for allowance. Notification to that effect is requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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By: _____


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